

## REMARKS

This Amendment and Response is submitted in response to a non-final Office Action mailed July 17, 2003.

Claims 57-78 stand rejected under 35 U.S.C. § 112, first paragraph. Further, claims 57-78 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,973,678 to Stewart, *et al.* (hereinafter "Stewart").

Applicant has cancelled claims 57-78. Applicant has added claims 79-105. These amendments are discussed in further detail below, and support for these amendments may be found in the specification and the original claims. No new matter has been added by these amendments. Applicant submits that the pending claims are allowable. Reconsideration of the claims is respectfully requested in view of the foregoing amendments and the following remarks.

### **I. CD-ROM Containing References**

According to the Office Action, some of the references listed on the Information Disclosure Statement filed on June 19, 2003 were not present on the CD-ROM submitted with the filing. The Office Action stated that these references would be considered if Applicant provides copies of these references. Accordingly, Applicant submits herewith a CD-ROM containing the references cited in the previously submitted Information Disclosure Statement.

### **II. "Spatially Designating an Area"**

In the office action, Applicant is requested to provide support for "spatially designating an area..." as claimed in claims 57, 70, and 77. Applicant has cancelled claims 57-78 without prejudice, and thus, this issue is moot.

### III. Computer Program Listings

The Office Action states that the specification includes computer program listing over 300 lines, which must be submitted on Compact Disk. **[Was computer program code submitted with the original application? We do not have the application as filed; we have only the Preliminary Amendment. The code is not in the PCT application. We do not have IMM062A or IMM062B. The only program code in the PCT is two small sections in the specification.]**

### IV. Claims 57-78

Claims 57-78 stand rejected under 35 U.S.C. § 112, first paragraph, because “Applicant did not teach the details of how displayed graphical designation spatially designating an area of the image as claimed in claims 57, 70, and 77.”<sup>1</sup> Applicant has cancelled claims 57-78. Accordingly, the rejection of claims 57-78 is moot, and Applicant respectfully requests that Examiner withdraw the rejection of the claims.

Claims 57-78 also stand rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart, *et al.* Applicant has cancelled claims 57-78. Accordingly, the rejection of claims 57-78 is moot, and Applicant respectfully requests that Examiner withdraw the rejection of the claims.

Applicant points out that the foregoing amendments do not acquiesce to the statements and rejections made in the Office Action. Applicant respectfully reserves the right to file a Continuation.

### V. Conclusion

Applicants respectfully submit that claims 79-105 are allowable. A favorable Office Action is respectfully solicited

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<sup>1</sup> Office Action, Page 3.

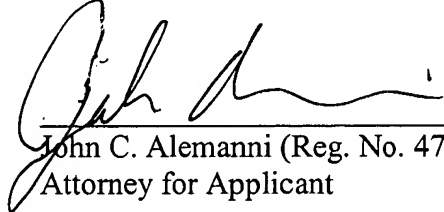
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Should the Examiner have any comments, questions or suggestions of a nature necessary to expedite the prosecution of the application, or to place the case in condition for allowance, the Examiner is courteously requested to telephone the undersigned at the number listed below.

Respectfully submitted,

Dated: SEPT. 5, 2003

  
John C. Alemanni (Reg. No. 47,384)  
Attorney for Applicant

KILPATRICK STOCKTON LLP  
1001 West Fourth Street  
Winston-Salem, NC 27101-2400  
336-607-7311 (telephone)  
335-734-2621 (facsimile)

51851-281191  
WINLIB01:1026225.2